

TEXAS APPRAISER LICENSING  
AND CERTIFICATION BOARD

vs.

JOHN DALE MCCUISTION  
TX-1334118-R (EXPIRED)

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DOCKETED COMPLAINT NO.  
10-328

**AGREED FINAL ORDER**

On this the 18<sup>TH</sup> day of May, 2012, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the expired certification of John Dale McCuiston (Respondent).

In order to conclude this matter, John Dale McCuiston neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

**FINDINGS OF FACT**

1. Respondent John Dale McCuiston was a Texas state certified, residential real estate appraiser who held certification number TX-1334118-R, and was certified by the Board during all times material to the above-noted complaint case.
2. Respondent appraised real property located at: 145 Harper Court, Grand Prairie, TX 75051 ("the property").
3. Thereafter a complaint was filed with the Board. The complaint alleged that the Respondent produced an appraisal report for the property that did not conform to Uniform Standards of Professional Appraisal Practice.
4. Thereafter the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. CHPT. 2001, and TEX. OCC. CODE CHPT. 1103, notified Respondent of the nature of the accusations involved and Respondent was afforded an opportunity to respond to the accusations in the complaint. Respondent was also requested to provide certain documentation to the Board.
5. Since the time of these complaint, Respondent's state certification as a real estate appraiser has expired and Respondent no longer desires to hold a license, certification, authorization or registration from the Board. Respondent acknowledges that his state certification has lapsed and he is hereby agreeing not to seek renewal of the certification, nor to apply for any authorization, license, certification or registration with the Board in the future.
6. The parties hereby enter into the foregoing consent order in accordance with TEX.

OCC. CODE § 1103.458.

### CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE § 1103 et. seq.
2. The parties are authorized to resolve their dispute by means of a consent order. TEX. OCC. CODE § 1103.458.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that Respondent shall not seek renewal of his certification, nor apply to the Board for any authorization, license, certification or registration in the future.

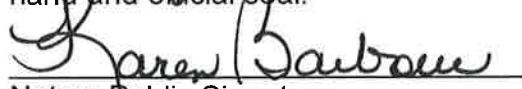
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 22 day of Feb, 2012.

  
JOHN DALE MCCUISTION

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 22<sup>nd</sup> day of February, 2012, by JOHN DALE MCCUISTION, to certify which, witness my hand and official seal.

  
Notary Public Signature


Karen Barbour  
Notary Public's Printed Name



Signed by the Standards and Enforcement Services Division this 17<sup>th</sup> day of May, 2012.

  
Kyle Wolfe, TALCB Staff Attorney

Signed by the Commissioner this 18 day of May, 2012.

  
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Douglas Oldmixon, Commissioner  
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 18 day of May, 2012.

  
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Luis De La Garza, Chairperson  
Texas Appraiser Licensing and Certification Board